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J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE, CA 92618

In re Application of:
Kuan-Yu Fu
Serial No.: 10/072,362
Filed: February 7, 2002
For: MOSFET DEVICE

DECISION ON PETITION

This is a decision on the petition filed January 24, 2005, via facsimile transmission, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition is GRANTED.

A non-final Office action was mailed April 5, 2004, setting a three-month shortened statutory period for filing a response. In the apparent absence of a response, the application was held abandoned and a Notice of Abandonment was mailed January 14, 2005.

Petitioner asserts that a response was timely filed. To support the assertion, petitioner has submitted: 1) a copy of a response entitled "Amendment and Response to Office Action" which bears a Certificate of Transmission under 37 C.F.R. § 1.8(a) dated July 6, 2004, 2) a copy of Auto-Reply Facsimile Transmission form the USPO acknowledging receipt of a 15-page facsimile transmission on July 6, 2004.

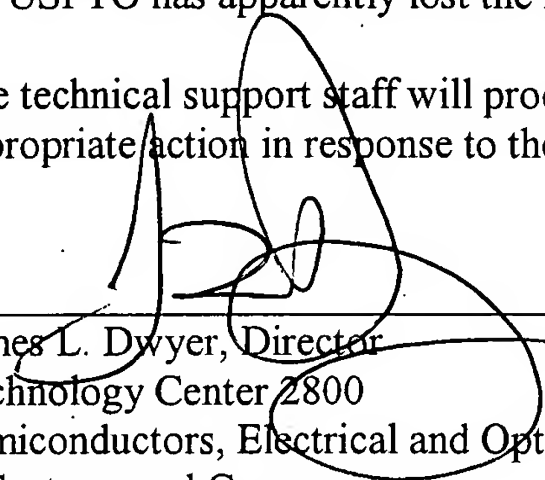
The file record does not include the 15-page transmission submitted on July 6, 2004.

The petition satisfies the conditions for accepting a response filed using a certificate of transmission under 37 C.F.R. § 1.8(a) but lost after having being received by the USPTO, except it does not include a copy of the sending unit's report confirming successful transmission. The copy of the Auto-Reply from the USPTO is hereby accepted in lieu of the copy of the sending unit's report. In the future, it is advised that the copy of the sending unit's report be included with the petition. Accordingly, the petition is granted.

The Notice of Abandonment mailed January 14, 2005 is hereby vacated and the holding of abandonment withdrawn.

The copy of the amendment submitted on January 24, 2005 with the petition is accepted since the USPTO has apparently lost the response originally submitted.

The technical support staff will process the amendment and the examiner will prepare an appropriate action in response to the amendment.



James L. Dwyer, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components